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Timothy S. LaBadie

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EXAMINER

MERCHANT, SHAHID R

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/090,360

Applicant(s)

LABADIE ET AL.

Examiner

Shahid R. Merchant

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on July 30, 2007. Claims 1 and 2 are amended. Claims 3-25 are new claims. Claims 1-25 are pending.

Response to Arguments

2. Applicant's arguments, see page 8, filed July 30, 2007, with respect to claims 1 and 2 in regards to 35 U.S.C. 112 second paragraph have been fully considered and are persuasive. The rejection of claims 1 and 2 in regards to 35 U.S.C. 112 second paragraph has been withdrawn.
3. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 24 objected to because of the following informalities: it appears to be a duplicate of claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3694

6. Claims 1, 3, 11, 12, 15, 18 and 19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant does not disclose in detail how probability is calculated or determined. The specification identifies several items that a service provider may check to determine a probability like payment history, driver license number and check numbers. The specification recites on page 4, line 4, Based on this probability... Examiner does not understand how checking payment history or a persons drivers license becomes a probability? What exactly is the service provider looking for when it checks payment history, driver license number and check numbers? Further, how is the determination made whether a check should be accepted or denied? How is the probability calculated? Is the probability a number of some kind or is it something else?

7. Claims 15 and 17 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 15 recites a service provider system including a printing device. Claim 17 recites "to print the scanned image as a..." These features are not substantiated in the original disclosure for a service provider. Further,

Art Unit: 3694

the service provider is programmed to "to print a sight draft of the check for deposit...processed for payment." This feature is not substantiated in the original disclosure.

8. Claims 1, 5, 23 and 24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 5, 23 and 24 recite the feature of "service fee." This feature is not substantiated in the original disclosure. The original disclosure mentions "netting of fees," however this may or may not be the same.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1, 2, 4, 6, 7, 18 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 recites the limitation "the information" in lines 7, 8 and 11. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitation "the probability" in line 12. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 1 recites the limitation "the image, " in lines 14 and 16. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3694

14. Claim 1 recites the limitation "the amount" in line 19 . There is insufficient antecedent basis for this limitation in the claim.

15. Claim 1 recites the limitation "the cost" in line 20. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 2 recites the limitation "the amount" in line 2. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 2 recites the limitation "the information" in line 4. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 2 recites the limitation "the bank account" in line 6. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 4 recites the limitation "the service provider's bank account" in line 2. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 4 recites the limitation " the merchant's bank account " in line 2. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 18 recites the limitation " the check writer " in line 5. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 25 recites the limitation "the service provider's bank account" in line 2. There is insufficient antecedent basis for this limitation in the claim.

23. Regarding claims 6 and 7, it is unclear who is delaying payment until the check clears and delaying payment for a predetermined posting arrangement. Applicant is advised to specify whether it is a service provider, a merchant or someone else that performs this step.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Houvener et al., U.S. Patent No. 5,832,464 (see PTO-892, Ref. I) in view of CheckFree (see PTO-892, Ref. V) and further in view of TeleCheck (see PTO-892, Ref. W).

26. As per claim 1, Hills teaches a system for a third party service provider to verify and provide payment for checks provided to a merchant comprising:

a communication device for the merchant to enter the information from a check and a corresponding transaction and to transmit the information to the service provider;

a database maintained by the service provider programmed to analyze the information and provide a response to the merchant indicating the probability that the check will be honored (Figures 1 and 2, column 4, lines 4-14, column 6, lines 50-67 and column 7, lines 7).

Hills does not explicitly teach an image-transfer device attached to the communication device to capture the image of the check and to transmit the image of

Art Unit: 3694

the check to the service provider; an image repository for storage of the images; an automated system to transmit payment for the check from the service provider on to a bank account of the merchant in the amount approved, less the cost of at least one of a service fee, a prearranged risk hold backs, and a delayed posting arrangements; and an automated process wherein the merchant is selectively indemnified for any returned checks.

Houvener teaches an image-transfer device attached to the communication device to capture the image of the check and to transmit the image of the check to the service provider; an image repository for storage of the images (see column 4, lines 15-46).

CheckFree teaches an automated system to transmit payment for the check from the service provider on to a bank account of the merchant in the amount approved, less the cost of at least one of a service fee, a prearranged risk hold backs, and a delayed posting arrangements (see Ref. V).

TeleCheck teaches an automated process wherein the merchant is selectively indemnified for any returned checks (see Ref. W).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Houvener, CheckFree and TeleCheck to teach an image-transfer device attached to the communication device to capture the image of the check and to transmit the image of the check to the service provider; an image repository for storage of the images; an automated system to transmit payment for the check from the service provider on to a bank account of the

Art Unit: 3694

merchant in the amount approved, less the cost of at least one of a service fee, a prearranged risk hold backs, and a delayed posting arrangements; and an automated process wherein the merchant is selectively indemnified for any returned checks because all the claimed elements were known in the prior art and could have been combined with no change in their respective functions and the combination would have yielded nothing more than predictable results.

27. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Houvener et al., U.S. Patent No. 5,832,464 (see PTO-892, Ref. I) in view of CheckFree (see PTO-892, Ref. V) and further in view of TeleCheck (see PTO-892, Ref. W) as applied to claim 1 above, and further in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W). Hereinafter Whittelsey.

28. As per claim 2, Hills, Houvener, CheckFree and TeleCheck teach the system of claim 1 as described above. Hills, Houvener, CheckFree and TeleCheck do not explicitly teach wherein a sight draft payable to at least one of the service provider and the merchant in the amount of the check is created through a check software and printing program using the information transmitted to the service provider from the merchant, the sight draft including an image of the check wherein the check is deposited in the bank account of the service provider and processed through traditional check processing means.

Art Unit: 3694

Whittelsey teaches wherein a sight draft payable to at least one of the service provider and the merchant in the amount of the check is created through a check software and printing program using the information transmitted to the service provider from the merchant, the sight draft including an image of the check wherein the check is deposited in the bank account of the service provider and processed through traditional check processing means (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Houvener, CheckFree, TeleCheck and Whittelsey to teach wherein a sight draft payable to at least one of the service provider and the merchant in the amount of the check is created through a check software and printing program using the information transmitted to the service provider from the merchant, the sight draft including an image of the check wherein the check is deposited in the bank account of the service provider and processed through traditional check processing means because all the claimed elements were known in the prior art and could have been combined with no change in their respective functions and the combination would have yielded nothing more than predictable results.

29. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W). Hereinafter Whittelsey.

Art Unit: 3694

30. As per claim 3, Hills teaches a method for processing checks, comprising:

- (a) receiving check and transaction data of a check at a merchant point of sale;
- (b) transmitting the check and transaction data to a service provider, wherein the service provider compares the check and transaction data to a statistical database to determine a probability that the check will be honored;
- (c) transmitting an indicator of the probability that the check will be accepted to the merchant (see Figure 4, column 7, lines 46-67 and column 8, lines 1-29).

Hills does not explicitly teach (d) printing a sight draft of the check payable to at least one of the merchant and the service provider when the merchant accepts the check, and processing the sight draft of the check.

Whittelsey teaches (d) printing a sight draft of the check payable to at least one of the merchant and the service provider when the merchant accepts the check, and processing the sight draft of the check (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills and Whittelsey to print a sight draft because it allows merchants another way of processing an order using a customers checking account number as taught by Whittelsey (see Ref. U).

31. As per claim 9, Hills and Whittelsey teach the method of claim 3 as described above. Hills further teaches wherein step (c) comprises providing an indication of a disapproval of the check to the merchant (see column 8, lines 8-16).

32. As per claim 10, Hills and Whittelsey teach the method of claim 9 as described above. Official Notice is taken that it is old and well known in the arts to provide an

Art Unit: 3694

option to a user to override a transaction as evidenced by Lowery, U.S. Patent No. 6,189,785 (see PTO-892, Ref. J).

33. As per claim 11, Hills and Whittelsey teach the method of claim 3 as described above. Hills further teaches wherein the step (c) comprises providing an accept or a decline indication for the check based on the probability (see column 4, lines 4-14).

34. As per claim 12, Hills and Whittelsey teach the method of claim 3 as described above. Hills further teaches wherein step (b) comprises comparing at least one of an MICR number, a driver's license number, an area code, a phone number, a dishonored check statistic, a purchase amount, and a number of purchases within a date range associated with the check writer to evaluate the probability of the check being honored (see column 7, lines 63-67 and column 8, lines 1-15).

35. As per claim 15, Hill teaches a check authorization and payment system, comprising:

- a service provider system including a communication device, a memory storage device and a printing device;

- a merchant system including a data entry device and a communication device, the merchant system being programmed to acquire check and transaction data from the data entry device, and to transmit the check and transaction data and an indication of an acceptance of the check to the service provider system; wherein the service provider system is programmed to receive the check and transaction data from the merchant system, compare the check and transaction data to statistical data stored in the database to determine a probability that a check will be accepted, to transmit the

Art Unit: 3694

probability to the merchant system (Figures 1 and 2, column 4, lines 4-14, column 6, lines 50-67 and column 7, lines 7). Hills does not explicitly teach to print a sight draft of the check for deposit when the indication of the acceptance of the check is received from the merchant system, wherein the sight draft is then processed for payment.

Whittelsey teaches to print a sight draft of the check for deposit when the indication of the acceptance of the check is received from the merchant system, wherein the sight draft is then processed for payment (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills and Whittelsey to print a sight draft because it allows merchants another way of processing an order using a customers checking account number as taught by Whittelsey (see Ref. U).

36. As per claim 25, Hills and Whittelsey teach the system of claim 15 as described above. Official Notice is taken that it is old and well known in the arts to deposit a check or sight draft into a bank account.

37. Claims 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W) [Hereinafter Whittelsey] as applied to claim 3 above, and further in view of CheckFree (see PTO-892, Ref. V).

Art Unit: 3694

38. As per claim 4, Hills and Whittelsey teach the method of claim 3 as described above. Hills and Whittelsey do not explicitly teach the step of transmitting payment from the service provider's bank account to the merchant's bank account. CheckFree teaches the step of transmitting payment from the service provider's bank account to the merchant's bank account (see Ref. V).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Whittelsey and CheckFree to transmit payment from the service provider's bank account to the merchant's bank account because it allows merchants another way of getting paid for products and services by customers as taught by CheckFree (see Ref. V).

39. As per claim 5, Hills, Whittelsey and CheckFree teach the method of claim 4 as described above. Official Notice is taken that service fee's are old and well known in the arts. It is common for a service provider to charge a fee if a service is provided and have it deducted from any payment owed to a customer or subscriber. This is evidenced in Whittelsey (see Ref. U).

40. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W) [Hereinafter Whittelsey] as applied to claim 3 above, and further in view of TeleCheck (see PTO-892, Ref. W).

Art Unit: 3694

41. As per claim 8, Hills and Whittelsey teach the method of claim 3 as described above. Hills and Whittelsey do not explicitly teach the step of indemnifying the merchant when the check is returned. TeleCheck teaches the step of indemnifying the merchant when the check is returned (see Ref. W).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Whittelsey and TeleCheck to indemnify the merchant when the check is returned because it guarantees payment to the merchant from the service provider as taught by TeleCheck (see Ref. W).

42. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W) [Hereinafter Whittelsey] as applied to claim 3 above, and further in view of Langhans et al., U.S. Patent No. 5,621,201 (see PTO-892, Ref. K).

43. As per claim 13, Hills and Whittelsey teach the method of claim 3 as described above. Hills and Whittelsey do not explicitly teach wherein step (b) comprises evaluating a standard industrial classification of the merchant.

Langhans teaches wherein step (b) comprises evaluating a standard industrial classification of the merchant (see column 7, lines 52-64).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Whittelsey and Langhans

Art Unit: 3694

to evaluate a standard industrial classification of the merchant because it is another way of determining whether a transaction should be authorized as taught by Langhans (see Ref. K).

44. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W) [Hereinafter Whittelsey] as applied to claim 3 above, and further in view of Houvener et al., U.S. Patent No. 5,832,646 (see PTO-892, Ref. I).

45. As per claim 14, Hills and Whittelsey teach the method of claim 3 as described above. Whittelsey teaches using the image of the check in printing the sight draft. Hills and Whittelsey do not explicitly comprising the steps of scanning an image of the check, storing the image of the check.

Houvener teaches comprising the steps of scanning an image of the check and storing the image of the check (see column 4, lines 15-46).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Whittelsey and Houvener to scanning an image of the check and storing the image of the check because provides a way of auditing as taught by Houvener (see abstract).

Art Unit: 3694

46. Claims 16 and 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W)

[Hereinafter Whittelsey] as applied to claim 15 above, and further in view of Houvener et al., U.S. Patent No. 5,832,646 (see PTO-892, Ref. I).

47. As per claim 16, Hills and Whittelsey teach the system of claim 15 as described above. Hills and Whittelsey do not explicitly teach wherein the merchant system further comprises a scanning device, and is further programmed to acquire a scanned image of a submitted check from the scanning device.

Houvener teaches wherein the merchant system further comprises a scanning device, and is further programmed to acquire a scanned image of a submitted check from the scanning device (see column 10, lines 51-67 and column 11, lines 1-14).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Whittelsey and Houvener to comprises a scanning device, and is further programmed to acquire a scanned image of a submitted check from the scanning device because it provides a way of auditing as taught by Houvener (see abstract).

48. As per claim 18, Hills and Whittelsey teach the system of claim 15 as described above. Hills further teaches wherein the service provider system is further programmed to determine a probability that a check will be accepted based on at least one of an MICR number, a driver's license, an area code, a phone number, a historical transaction

Art Unit: 3694

data, and a number of purchases within a particular date range for the check writer (see column 7, lines 63-67 and column 8, lines 1-15).

49. As per claim 19, Hills and Whittelsey teach the system of claim 15 as described above. Hills further teaches wherein the service provider system is further programmed to transmit one of an approval or a disapproval of the check based on the probability that the check will be accepted (see column 4, lines 4-14).

50. Claim 20 recites similar limitations to claim 10 and thus rejected using the same art and rationale in the rejection of claim 10 as set forth above.

51. Claims 21-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Hills et al., U.S. Patent No. 5,484,988 (see PTO-892, Ref. H) in view of Taking orders by phone check by Frances Cerra Whittelsey (see PTO-892, Ref. W) [Hereinafter Whittelsey] as applied to claim 15 above, and further in view of CheckFree (see PTO-892, Ref. V).

52. As per claim 21, Hills and Whittelsey teach the system of claim 15 as described above. Hills and Whittelsey do not explicitly teach wherein the service provider system is further programmed to transmit payment for the check to an account associated with the merchant. CheckFree teaches the step of transmitting payment from the service provider's bank account to the merchant's bank account (see Ref. V).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Hills, Whittelsey and CheckFree to transmit payment from the service provider's bank account to the merchant's bank

Art Unit: 3694

account because it allows merchants another way of getting paid for products and services by customers as taught by CheckFree (see Ref. V).

53. As per claim 22, Hills and Whittelsey teach the system of claim 21 as described above. Hills further teaches wherein the service provider system is further programmed to delay the transmission of payment for a predetermined check posting time (see column 8, lines 30-36).

54. As per claims 23 and 24, Hills, Whittelsey and CheckFree teach the system of claim 21 as described above. Official Notice is taken that service fee's are old and well known in the arts. It is common for a service provider to charge a fee if a service is provided and have it deducted from any payment owed to a customer or subscriber. This is evidenced in Whittelsey (see Ref. U).

Conclusion

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3694


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM


ELLA COLBERT
PRIMARY EXAMINER